

Minutes of the Board of Adjustment meeting held on Monday, December 10, 2012, at 5:30 p.m. in the Murray City Municipal Council Chambers, 5025 South State Street, Murray, Utah.

Present: Roger Ishino, Chair  
Travis Nay, Vice-Chair  
Rosi Haidenthaller  
Preston Olsen  
Ray Christensen, Senior Planner  
Tim Tingey, Administrative & Development Services Director  
G.L. Critchfield, Deputy City Attorney  
Citizens

Excused: Tom Halliday

The Staff Review meeting was held from 5:15 to 5:30 p.m. The Board of Adjustment members briefly reviewed the applications. An audio recording is available for review in the Community & Economic Development office.

Roger Ishino explained that variance requests are reviewed on their own merit and must be based on some type of hardship or unusual circumstance for the property and is based on state outlined criteria, and that financial issues are not considered a hardship.

#### APPROVAL OF MINUTES

Ms. Haidenthaller made a motion to approve the minutes from November 19, 2012 as submitted. Mr. Nay seconded the motion.

A voice vote was made. The motion passed, 4-0.

#### CONFLICT OF INTEREST

There were no conflicts of interest for this agenda.

#### NORMAN & TERESA ANDERSON - CASE #1464 – 5157 South Wesley Road – Project #12-142

Norman & Teresa Anderson were present to represent this request. Ray Christensen reviewed the location and request for an addition onto a nonconforming single family dwelling for the property located at 5157 South Wesley Road. Murray City Code 17.52.040 allows for a building or structure occupied by a nonconforming use, or a building nonconforming as to height, area, or yard regulations to be added to, enlarged or moved to another location on the lot subject to authorization by the Board of Adjustment. The applicant is requesting Board of Adjustment approval for a 494 sq. ft. building addition onto the back of the dwelling. The existing dwelling is nonconforming to the current ordinance requirements for side yards setback in the R-1-8 zone. The R-1-8 zone requires 20 ft. total side yards setback and 8 ft. minimum side yard on one side, whereas the applicant's plan show a 5 ft. side yard setback on one side and total side yards of 13 ft. There is a storage structure at the back of the property that may need to be relocated to comply with the setback requirements. The property was annexed into Murray City from the Salt Lake County. Information from the Salt Lake County Recorder's office indicates the dwelling was built in 1962. The applicant indicated the garage was built in the 1970s before the property was annexed into Murray City. The addition will comply with the minimum 15 ft. rear yard setback and total lot

coverage regulations. Based on review and analysis of the application material, subject site and surrounding area, and applicable Murray Municipal Code sections, the Community and Economic Development Staff finds that the proposal meets the standards for an expansion/alteration of a nonconforming use or development. Therefore, staff recommends approval subject to conditions.

Norman Anderson, 5157 South Wesley Road stated it would be very difficult to change the side yard setback. In doing so it would require a significant remodel to the garage in order to make it fully compliant and would take away from the value of the property. The shed should be compliant where it is, but if not, they will relocate to comply with setback requirements. Ms. Haidenthaller asked if there was a building permit issued or variance granted for the garage when it was built in the 1970's. Mr. Anderson stated they have not been able to find any documentation. Mr. Ishino asked if the shed can be easily moved. Mr. Anderson responded in the affirmative. However, they prefer to keep it where it is simply because it is out of the way and is not visible to the neighborhood.

The discussion was then opened up to public comment. No comment was made and the public comment section was closed.

Mr. Olsen made a motion to approve an expansion/alteration of a nonconforming use for the property addressed 5157 South Wesley Road, subject to the following conditions:

1. The applicant shall obtain a building permit prior to construction and the proposed addition shall comply with applicable building and fire codes.
2. The rear yard detached shed shall comply with zoning ordinance regulation for setback and possible relocation of the shed with building permit review. The shed will need to be shown on the plans with building permit application to comply with code.

Ms. Haidenthaller seconded the motion.

Vote recorded by Mr. Christensen

A        Mr. Olsen

A        Ms. Haidenthaller

A        Mr. Ishino

A        Mr. Nay

Motion passed, 4-0.

Ms. Nay made a motion to approve the Findings of Fact as prepared by staff. Mr. Olsen seconded the motion.

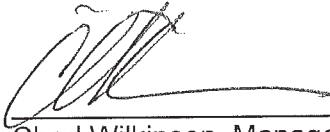
A voice vote was taken. Motion passed, 4-0

#### OTHER BUSINESS

There was no other business to discuss.

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Meeting adjourned.

A handwritten signature in black ink, appearing to read 'CW', is written over a horizontal line.

Chad Wilkinson, Manager  
Community & Economic Development